

RESOLUTION NO. 2017-41a

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAIYNE, FLORIDA, URGING
GOVERNOR RICK SCOTT TO REQUEST A FEDERAL
EMERGENCY MANAGEMENT AGENCY (FEMA)
DECLARATION OF EXIGENT OR EMERGENCY
CIRCUMSTANCES DUE TO HURRICANE IRMA;
PROVIDING FOR TRANSMITTAL; AND PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, on September 4, 2017, Florida Governor Rick Scott issued Executive Order No. 17-235 declaring a State of Emergency due to Hurricane Irma; and

WHEREAS, on September 5, 2017, President Donald J. Trump approved Florida's Emergency Declaration and ordered Federal assistance to supplement State, tribal and local response efforts due to Hurricane Irma; and

WHEREAS, the President's action authorizes the Department of Homeland Security, Federal Emergency Management Agency ("FEMA") to coordinate all disaster relief efforts; and

WHEREAS, Hurricane Irma posed a severe threat to the entire State of Florida and required timely precautions to be taken to protect communities, critical infrastructure, and general welfare; and

WHEREAS, Hurricane Irma caused significant damage and debris throughout the State of Florida, including within the Village of Key Biscayne ("Village"), which increase life-safety concerns and complicate pedestrian and vehicle mobility in the public rights-of-way; and

WHEREAS, Federal procurement regulations, codified in 2 C.F.R. §200.320(f), authorize procurement by noncompetitive proposals (i.e., through solicitation of a proposal from only one source) when certain circumstances apply, including when a public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; and

WHEREAS, the Village's efforts to protect the public health and safety of its residents from the impacts of Hurricane Irma require immediate action; and

WHEREAS, the Village Council has determined exigent, emergency conditions that exist in the Village; and

WHEREAS, the Village as well as other local governments needed to procure necessary services to respond to the exigent, emergency conditions that exist with increased flexibility to

promptly address debris removal and other hurricane-related challenges to continue protecting the Village's health and safety; and

WHEREAS, the Village Council respectfully urges Governor Rick Scott to request that FEMA declare that exigent or emergency conditions exist in the State of Florida in order to allow state and local governments, such as the Village, flexibility to procure contracts for goods and services to protect life, safety, and public welfare and obtain federal assistance; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:


Section 1. Recitals Adopted. That the above recitals are true and correct and incorporated herein by this reference.

Section 2. Urging Governor to Request FEMA Declaration of Exigency or Emergency. The Village Council hereby urges Governor Rick Scott to request that FEMA declare that exigent or emergency conditions exist in the State of Florida in order to allow state and local governments, such as the Village, flexibility to procure contracts for goods and services to protect life, safety, and public welfare and obtain federal assistance.

Section 3. Transmittal. The Village Clerk is directed to immediately transmit a certified copy of this Resolution to Governor Rick Scott.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 26th day of September, 2017.


MAYRA PEÑA LINDSAY, MAYOR

ATTEST:


JENNIFER DUQUE, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


VILLAGE ATTORNEY

